IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2893 OF 2005
IN
CRIMINAL APPEAL NO. 462 OF 2005

Mohd.Irfan Mohd.Idris Shaikh. ...Appellant
(Orig.Accused No.1)

V/s.

State of Maharashtra. ...Opponent

Shri Jagdish Shetty for Appellant.
Mrs.P.H. Kantharia, APP for State.

CORAM : D.G. DESHPANDE AND
V.M. KANADE, JJ.

DATED : NOVEMBER 29, 2005

P.C. :-

. Heard learned Advocate for the accused and the learned APP for the State. The application for bail is filed by accused no.1. The similar application by accused no.3 for bail has been rejected by the Division of Justice Rajana Desai on 6.10.2005.

. This accused is convicted alongwith two others under Section 3(1)(ii) of the M.C.O.C. Act read with Section 364A read with Section 34 and also under Sections 342, 387 IPC and imprisonment for life and other sentences. They had abducted, as per the case of

the prosecution, one Alok Ramchandra Bihani on 13th April, 2004 for the purpose of extracting money from him. After abduction, said Alok Bihani was confined at various places. Thereafter, he was taken to Pune and Kolhapur and he was put in fear of death unless ransom so demanded was paid. He was also assaulted and scotched with burning cigarettes butts. It was the fortune of the victim that he came back alive and misfortune of the accused. His evidence is direct evidence of showing involvement of the accused i.e. the direct evidence is coupled with other strong incriminating circumstances. As stated, the appeal of the accused no.3 has already been rejected and therefore, looking to the gravity of the offence under repeated occurrence in the society, application has to be rejected. It is rejected.

(D.G. DESHPANDE, J.)

(V.M. KANADE, J.)